

MAR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

SULMA MARLENY GOMEZ-OSORIO,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75805

Agency No. A78-927-453

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 8, 2006**

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Sulma Marleny Gomez-Osorio, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' denial of her motion to reconsider its earlier summary affirmance of an immigration judge's denial of her

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

applications for asylum, withholding of removal, and protection under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we dismiss in part and deny in part the petition for review.

The Board did not abuse its discretion in denying Gomez-Osorio's motion to reconsider as untimely. 8 C.F.R. § 1003.2(b)(2). We lack jurisdiction to review the Board's underlying summary affirmance of the immigration judge's denial of asylum, withholding and CAT relief because Gomez-Osorio did not file a petition for review of that decision. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1258 (9th Cir. 1996).

PETITION FOR REVIEW DISMISSED in part and DENIED in part.